

**Orange County Department of Planning**  
Application for Mandatory County Review of Local Planning Action  
(Variances, Zone Changes, Special Permits, Subdivisions)

To be completed by Local Board having jurisdiction.  
To be signed by Local Official.

MUNICIPALITY: Town of New Windsor

TAX MAP ID: 24-3-1  
(Section-Block-Lot)

Local File #: PB App. 09-<sup>06</sup>~~07~~  
Please refer to this number in any correspondence.

Project Name: Levin Minor Subdivision

Applicant: Patricia A. Levin  
Address: 43 Ramblewood Dr., Newburgh, NY 12550

Send Copy of Letter to Applicant: (check one)  
Yes ☒ No ☐

Attorney, Engineer, Architect: William Hildreth, L.S., 407 S. Plank Rd., Newburgh, NY 12550

Location of Site: Union Ave (between Daniher Ave & Spruce St)  
(Street, highway, nearest intersection)

Size of Parcel: 0.95 Acres

Existing Lots: 1

Proposed Lots/Units: 2

Present Zoning District: R-4

**TYPE OF REVIEW:**

- ☐ Site Plan (SP): \_\_\_\_\_  
☐ Special Use Permit\* (SUP) \_\_\_\_\_  
☒ Variance\*      USE (UV): \_\_\_\_\_

AREA (AV): Lot Area Variances (both lots)

- ☐ Zoning District Change\* From: \_\_\_\_\_ To: \_\_\_\_\_  
☐ Zoning Amendment To Section: \_\_\_\_\_  
☒ Subdivision: Major \_\_\_\_\_ Minor X  
☐ Sketch      ☒ Preliminary      ☐ Final (Please indicate stage)  
☒ Other Comments: \*\* Joint Referral for Planning Board and Zoning Board

Date: XX Jan 09

Mark Edsall, P.E.  
Signature

Mark J. Edsall, P.E., P.P.  
Engineer for the Planning Board

\* Cite Section of Zoning Regulations where pertinent.

**FOR COUNTY USE ONLY**

County ID# \_\_\_\_\_

GML 239 Referral Guide – 02/27/2007

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## PLANNING BOARD APPLICATION

### TYPE OF APPLICATION (check appropriate item):

Subdivision ☒ Lot Line Change ☐ Site Plan ☐ Special Permit ☐

Tax Map Designation: Sec. 24 Block 3 Lot 1

**BUILDING DEPARTMENT PERMIT NUMBER** PA 2009 - 19

1. Name of Project PATRICIA A. LEVIN MINOR SUBDIVISION

2. Owner of Record PATRICIA A. LEVIN (E.K.A. PATRICIA A. SMITH) Phone 562-5990

Address: 43 RAMBLEWOOD DRIVE NEWBURGH NY 12550  
(Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant PATRICIA A. LEVIN Phone SAME

Address: SAME  
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan WILLIAM B. HILDRETH, L.S. Phone 566-6650

Address: 407 SOUTH PLANK ROAD UNIT 3 NEWBURGH NY 12550  
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney CHARLES FRANKEL Phone 790-9112

Address: P.O. BOX 2280 NEWBURGH N.Y. 12550  
(Street Name & Number) (Post Office) (State) (Zip)

6. Person to be notified to appear at Planning Board meeting:

WILLIAM B. HILDRETH 566-6650 566-4493  
(Name) (Phone) (fax)

7. Project Location: On the SOUTH side of UNION AVENUE  
(Direction) (Street)

8. Project Data: Acreage 0.95 Zone R-4 School Dist. NCSD

PAGE 1 OF 2

( PLEASE DO NOT COPY 1 & 2 AS ONE PAGE TWO-SIDED)

RECEIVED JAN 22 2009

09-06

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes \_\_\_\_\_ No X

**\*This information can be verified in the Assessor's Office.**

**\*If you answer yes to question 9, please complete the attached Agricultural Data Statement.**

10. Detailed description of Project: (Use, Size, Number of Lots, etc.) 2 LOT SUBD. OF 0.95 AC. EXIST. HO. ON 0.43 AC. CREATE 0.52 AC. LOT. VARIANCE NEEDED FOR LOT AREAS. MUNICIPAL WATER AND SEWER SERVICE AVAILABLE.

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes \_\_\_\_\_ no X

12. Has a Special Permit previously been granted for this property? yes \_\_\_\_\_ no X

**IF THIS APPLICATION IS SIGNED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.**

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

Patricia J. Levin  
(OWNER'S SIGNATURE)

23<sup>rd</sup> DAY OF October 20 08

\_\_\_\_\_  
(AGENT'S SIGNATURE)

CHARLES E. FRANKEL  
Notary Public, State of New York  
Qualified in Orange County

My Commission Expires March 30, 2011

Charles E. Frankel  
NOTARY PUBLIC

\_\_\_\_\_  
Please Print Agent's Name as Signed

\*\*\*\*\*  
TOWN USE ONLY:

RECEIVED JAN 22 2009  
DATE APPLICATION RECEIVED

09-06  
APPLICATION NUMBER

**AGENT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR PLANNING BOARD

PATRICIA A. LEVIN, deposes and says that ~~he~~ resides  
(OWNER)  
at 43 RAMBLEWOOD DRIVE, NEWBURGH in the County of ORANGE  
(OWNER'S ADDRESS)  
and State of NEW YORK and that ~~he~~ is the owner of property tax map  
(Sec. 24 Block 3 Lot 1)  
designation number (Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_) which is the premises described in  
the foregoing application and that ~~he~~ designates:

(Agent Name & Address)  
WILLIAM B. HILBRETH, L.S. 407 SOUTH PLANK ROAD, UNIT 3, N.B.G. 12550  
(Name & Address of Professional Representative of Owner and/or Agent)

as his agent to make the attached application.

**THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR  
UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICHEVER IS SOONER.**

SWORN BEFORE ME THIS:

**\*\*** Patricia A. Levin  
Owner's Signature (MUST BE NOTARIZED)

23<sup>rd</sup> DAY OF October 2008)

CHARLES E. FRANKEL  
Notary Public, State of New York  
Qualified in Orange County  
My Commission Expires March 30, 2011  
[Signature]  
NOTARY PUBLIC

Agent's Signature (If Applicable)

William B. Hilbreth  
Professional Representative's Signature

**\*\* PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

**THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER**

**09-06**

## Appendix C

## State Environmental Quality Review

## SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

## PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR <b>PATRICIA A. LEVIN</b>	2. PROJECT NAME <b>PATRICIA A. LEVIN MINOR SUBDIVISION</b>
3. PROJECT LOCATION: Municipality <b>TOWN OF NEW WINDSOR</b> County <b>ORANGE</b>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <b>293 UNION AVENUE (Co. Rd. 19) SOUTH SIDE OF UNION AVENUE BETWEEN DANIELER AVE AND SPRUCE ST. TAX MAP SECTION 24 BLOCK 3 LOT 1</b>	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <b>TWO LOT SUBDIVISION OF 0.95 ACRES. EXISTING RESIDENCE ON 0.43 AC. CREATING A 0.52 AC. LOT. MUNICIPAL WATER AND SEWER SERVICE AVAILABLE.</b>	
7. AMOUNT OF LAND AFFECTED: Initially <b>0.95</b> acres Ultimately <b>0.95</b> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <b>VARIANCES NEEDED FOR LOT AREAS</b>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <b>ZONING BOARD OF APPEALS - AREA VARIANCES ORANGE COUNTY PLANNING</b>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>N/A</b>	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <b>PATRICIA A. LEVIN</b> Date: <b>1/21/09</b> Signature: <b>William B. Hester, L.S. (PREPAPER)</b>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

1

Reset

09-06

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.  
☐ Yes ☐ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
☐ Yes ☐ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

☐ Yes ☐ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes ☐ No If Yes, explain briefly:

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency


\_\_\_\_\_  
Signature of Preparer (If different from responsible officer)

Reset

09-06

# TOWN OF NEW WINDSOR PLANNING BOARD SUBDIVISION/LOT LINE CHANGE CHECKLIST

The following checklist items shall be incorporated on the Subdivision Plan prior to consideration for being placed on the Planning Board Agenda:

1. ☒ Name and address of Applicant.
  - \* 2. ☒ Name and address of Owner.
  3. ☒ Subdivision name and location
  4. ☒ **Provide 4" wide X 2" high box (IN THE LOWEST RIGHT CORNER OF THE PLAN) for use by Planning Board in affixing Stamp of Approval. (ON ALL PAGES OF SUBDIVISION PLAN)**
- SAMPLE:** 
5. ☒ Tax Map Data (Section, Block & Lot).
  6. ☒ Location Map at a scale of 1" = 2,000 ft.
  7. ☒ Zoning table showing what is required in the particular zone and what applicant is proposing.
  8. N/A Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
  9. ☒ Date of plat preparation and/or date of any plat revisions.
  10. ☒ Scale the plat is drawn to and North arrow.
  11. ☒ Designation (in title) if submitted as sketch plan, preliminary plan or final plan.
  12. ☒ Surveyor's certificate.
  13. ☒ Surveyor's seal and signature.
  14. ☒ Name of adjoining owners.
  15. N/A Wetlands and 100 foot buffer zone with an appropriate note regarding DEC requirements.
  - \* 16. N/A Flood land boundaries.
  17. N/A A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued.

18. ✓ Final ~~r~~ <sup>o</sup>ads and bounds.
19. ✓ Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street.
20. N/A Include existing or proposed easements.
21. N/A Right-of-way widths.
22. N/A Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
23. ✓ Lot area (in square feet for each lot less than 2 acres).
24. ✓ Number the lots including residual lot.
25. N/A Show any existing waterways.
- \*26. N/A A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office.
27. ✓ Applicable note pertaining to owner's review and concurrence with plat together with owners signature.
28. N/A Show any existing or proposed improvements, i.e., drainage systems, water lines, sewer lines, etc. (including location, size and depths).
29. ✓ Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.
30. N/A Show all and proposed on-site A septic system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test.
31. N/A Provide A septic system design notes as required by the Town of New Windsor.
32. ✓ Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.
33. ✓ Indicate percentage and direction of grade.
34. ✓ Indicate any reference to previous, i.e., file map date, file map number and previous lot number.
35. N/A Indicate location of street or area lighting (if required).



REFERRING TO QUESTION 9 ON THE APPLICATION FORM, IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

36. N/A

Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.

37. N/A

A disclosure Statement, in the form set below, must be inscribed on all subdivision maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

**PREPARER'S ACKNOWLEDGMENT:**

THE PLAT FOR THE PROPOSED SUBDIVISION HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY: William B. Hester, L.S. 1/21/09  
Licensed Professional Date

⌘ ⌘ ⌘ ⌘ ⌘ ⌘

**PLEASE NOTE:**

⌘ ⌘ ⌘ ⌘ ⌘ ⌘

**THE APPLICANT OR THEIR REPRESENTATIVE IS RESPONSIBLE TO KEEP TRACK OF ALL EXPIRATION DATES FOR ANY AND ALL APPROVALS GRANTED TO A PROJECT. EXTENSIONS MUST BE APPLIED FOR PRIOR TO EXPIRATION DATE.**

ATTACHMENTS

A. Certificate Flood Hazard Area Development.

I WILLIAM B. HILDRETH, L.S. hereby certify that the property or properties mentioned in this application ~~is~~ are not located in a flood zone.

William B. Hildreth  
Signature

PLEASE NOTE:

**\* IF PROPERTY IS NOT LOCATED IN A FLOOD ZONE, PLEASE SIGN ABOVE VERIFYING THAT. RETURN THIS FORM WITH PLANNING BOARD APPLICATION**

**\*\* IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE OBTAIN COMPLETE APPLICATION FROM P.B. SECRETARY.**

09-03

# PLANNING BOARD APPLICATION SUBMITTAL CHECKLIST

The following items are to be returned to the Planning Board Secretary, **complete as a package**, to make application to appear before the Planning Board:

## CHECK OFF (ONE ORIGINAL COPY OF ALL EXCEPT PLANS)

1. Completed Page 1 and 2 of Application form. (Original Copy) ☒
2. Agricultural Data Statement (If you answer yes to #9 on application) ☒
3. Applicant/Owner Proxy Statement (Original) **(MUST HAVE IF APPLICABLE)** ☒
4. a. Applicable completed Check List for subdivision/L.L. Chg. or Site Plan ☒  
b. **Approval box on all sheets of plan as described in #4 of Subdivision Check List and #2 of Site Plan Check List.**
5. Short Form EAF (Unless instructed to prepare long form). (Original) ☒
6. Flood Hazard Area Development Application. ☒
7. ~~EIGHT~~ <sup>TEN</sup> Sets of plans – folded to fit in legal size file folder with name block showing. ☒
8. **SEPARATE CHECKS AS FOLLOWS:** (Choose appropriate category for your project)

## SITE PLANS:

Two Separate Checks: (One check for application fee and separate check for escrow amount)

Special Permit Application and Review Fee..... \$250.00

Application fee..... \$125.00

Escrow (Unless other amount specified at workshop) \$750.00

(Additional escrow due for multi-family dwellings)

## SUBDIVISIONS:

Two Separate Checks: (One check for application fee and separate check for escrow amount)

Application Fee...(minor subdivision only).....\$ 75.00

Application Fee...(major subdivision only).....\$150.00

## ESCROW:

**Residential:** \$200.00 each - for each of first 4 lots

\$100.00 for each additional lot -

Total:\$ 400

**Commercial:** \$500.00 each - for each of first 4 lots

\$200.00 for each additional lot -

Total:\$

## LOT LINE CHANGE:

Two Separate Checks: (One check for application fee and separate check for escrow amount)

Application fee.....\$75.00

Escrow (Unless other amount specified at workshop). ...\$200.00.....\$

**PLEASE NOTE: ADDITIONAL FEES DUE UPON COMPLETION OF PLANNING BOARD REVIEW.**